

Alice T. Lorenz

From: Miller, Michael (USACO) [Michael.Miller8@usdoj.gov]

Sent: Tuesday, January 30, 2007 2:17 PM

To: Alice T. Lorenz

Subject: PERKINS INFORMATION

Alice,

In order to process the paperwork for the Perkins award, I need the following information on Barbara Perkins:

- 1 - Social Security Number
- 2 - Payee Account Name
- 3 - American Banking Association (ABA) Routing Number (9 digits)
- 4 - Payee Account Number
- 5 - Type of account = Checking or Savings
- 6 - Financial Institution Name, City, State

Thank you.

Michael A. Miller

Michael A. Miller

Legal Assistant

United States Attorney's Office

District of Colorado

Alice T. Lorenz

From: Bernadette A. Day
Sent: Tuesday, March 13, 2007 8:41 AM
To: Michael.Miller8@usdoj.gov
Cc: Alice T. Lorenz
Subject: FW: PERKINS INFORMATION

Mr. Miller:

Here is the information requested by you regarding Ms. Perkins:

1. Social Security Number:
2. Payee Account Name: Perkins Living Trust, dated March 10, 2000
3. American Banking Association (ABA) Routing Number (9 digits): 107002192
4. Payee Account Number: 200-1152533
5. Type of Account: Savings
6. Financial Institution: Wells Fargo Bank, N.A., Albuquerque, New Mexico

Thank you,
Bernadette A. Day
Assistant to Alice Tomlinson Lorenz

Alice T. Lorenz

From: Pestal, Mark (USACO) [Mark.Pestal@usdoj.gov]
Sent: Thursday, May 10, 2007 10:38 AM
To: Alice T. Lorenz
Subject: RE: Perkins v. V.A.

As soon as the mandate issues, we can process for payment.

Mark

From: Alice T. Lorenz [mailto:alorenz@mstLAW.com]
Sent: Thursday, May 10, 2007 10:31 AM
To: Pestal, Mark (USACO)
Subject: Perkins v. V.A.

Dear Mark,

Can you tell me where we are in getting the mandate issued and my client paid?
Thanks

Alice Lorenz

Alice T. Lorenz

From: Alice T. Lorenz
Sent: Thursday, June 07, 2007 3:34 PM
To: 'Pestal, Mark (USACO)'
Subject: Perkins v. VA

Dear Mr. Pestal,

I checked with Mr. Olwell and he advised that where the court's order of dismissal says, as ours does, that "A certified copy of this order shall stand as and for the mandate of the court" it is the mandate. Therefore the mandate has already been issued. Please get Ms. Perkins' check delivered to me as soon as possible.

Alice Lorenz

11/13/2007

EXHIBIT D

Alice T. Lorenz

From: Alice T. Lorenz
Sent: Tuesday, June 12, 2007 11:58 AM
To: 'Pestal, Mark (USACO)'
Subject: Perkins v. VA

Dear Mark,

Ms. Perkins advises that the total of \$364,817.82 includes the \$1,118.78 for the Thrift Savings Plan contribution. Pursuant to Judge Armijo's order, which awards the \$1,118.78 "as a contribution into" Ms. Perkins Thrift Savings Plan, the Thrift Contribution amount, and the post judgment interest which has accrued on it, should go directly to Ms. Perkins Thrift Savings Plan account, rather than to her bank, when to funds are electronically transferred.

The document you sent makes no provision for the \$500.00 stipulated attorney fee for the appeal. Please add that.

I am not sure whether you have to communicate with Treasury regarding the 32 hours of sick leave that Judge Armijo ordered be credited to Ms. Perkins but would appreciate it if you would confirm that it has been done when it gets accomplished.

Best regards,

Alice Lorenz

11/13/2007

EXHIBIT E

Alice T. Lorenz

From: Pestal, Mark (USACO) [Mark.Pestal@usdoj.gov]
Sent: Wednesday, June 13, 2007 9:15 AM
To: Alice T. Lorenz
Subject: Perkins

Alice

Can you have Perkins get me the name of the HR person at SSA to process the sick leave credit?

Thanks, Mark

Alice T. Lorenz

From: Pestal, Mark (USACO) [Mark.Pestal@usdoj.gov]

Sent: Wednesday, June 13, 2007 9:25 AM

To: Alice T. Lorenz

Subject: RE: Perkins v. VA

I'll check on the TSP. I'm not sure how that will work. I'll add in the \$500.

Mark

Alice T. Lorenz

From: Pestal, Mark (USACO) [Mark.Pestal@usdoj.gov]

Sent: Wednesday, June 13, 2007 10:50 AM

To: Alice T. Lorenz

Subject: RE: Perkins v. VA

Alice

I am told that VA cannot put any money into Perkins's TSP because she is no longer an employee. She may want to check with TSP herself as to how this could be done. Since it's a relatively small amount, it may not be the hassle.

Mark

Alice T. Lorenz

From: Pestal, Mark (USACO) [Mark.Pestal@usdoj.gov]
Sent: Friday, June 15, 2007 10:59 AM
To: Alice T. Lorenz
Subject: RE: Perkins v. VA

Thanks. I'll check it out. Mark

From: Alice T. Lorenz [mailto:alorenz@mstLAW.com]
Sent: Thursday, June 14, 2007 1:05 PM
To: Pestal, Mark (USACO)
Subject: FW: Perkins v. VA

Dear Mark,

Below is the answer to your request for the person to talk to about the leave and TSP issues.

Best regards,

Alice Lorenz

*Alice, the Department of Interior makes these adjustments, even for SSA employees. Ed Bentley in SSA Human Resources gave me a contact name of **Rebecca Thompson** in DOI. Her phone number is (303) 969-6347. Pestal should contact her, for the leave and TSP issues.*

Alice T. Lorenz

From: Alice T. Lorenz
Sent: Monday, August 27, 2007 9:58 AM
To: 'Pestal, Mark (USACO)'
Subject: Barbara Perkins

Dear Mr. Pestal,

As of today no funds have been deposited to my client. Can you please check on this and let me know as soon as possible what is causing the hold up and when we can expect your client to fulfill its responsibilities under the judgment and our agreement.

Yours Truly,

Alice T. Lorenz

Alice T. Lorenz
Miller Stratvert PA
PO Box 25687
Albuquerque, NM 87125

11/13/2007

EXHIBIT J

Alice T. Lorenz

From: Pestal, Mark (USACO) [Mark.Pestal@usdoj.gov]
Sent: Tuesday, August 28, 2007 1:57 PM
To: Alice T. Lorenz
Subject: Perkins

Payment should be made around September 3, 2007.

Mark

EXHIBIT K

11/13/2007

From: Pestal, Mark (USACO) [mailto:Mark.Pestal@usdoj.gov]
Sent: Tuesday, August 28, 2007 1:57 PM
To: Alice T. Lorenz
Subject: Perkins

Payment should be made around September 3, 2007.

Mark

11/13/2007

Alice T. Lorenz

From: Alice T. Lorenz
Sent: Monday, September 17, 2007 2:33 PM
To: 'Pestal, Mark (USACO)'
Subject: Perkins matter

Dear Mr. Pestal,

My client has received a transfer from Treasury, in the form of two checks totalling \$388,748. This amount does not appear to include the \$500 for the appeal-related attorney fees. Please let me know when Ms. Perkins may expect payment of that amount and in what form payment will be made.

As of September 1st the 32 hours sick leave awarded by the court had not yet been credited. Can you please let me know when that credit will be made?

Finally, please provide a detailed accounting of the amounts transferred, including a breakdown of principal and interest and the designated elements of the judge's award. I need this information as soon as possible so that, if the transfer included the amount that was supposed to go directly into the thrift savings account, we can move it into that account right away.

Finally, once we have the final accounting, the sick leave credits and the payment for the appellate attorney fees, please send me a form of satisfaction of judgment for my review.

I look forward to hearing from you,

Alice T. Lorenz.

EXHIBIT M

11/13/2007

Alice T. Lorenz

From: Pestal, Mark (USACO) [Mark.Pestal@usdoj.gov]
Sent: Tuesday, September 25, 2007 1:34 PM
To: Alice T. Lorenz
Subject: RE: Perkins matter

I'm checking on them.

Mark

From: Alice T. Lorenz [mailto:alorenz@mstLAW.com]
Sent: Tuesday, September 25, 2007 1:29 PM
To: Pestal, Mark (USACO)
Subject: RE: Perkins matter

Dear Mark,

I just received a message in response to my request that Barbara double check with the bank and she advises that it did come in—although it is unclear whether it did so on the 13th or 18th of August.

That leaves the Thrift Savings account problem and the accounting respecting leave. Where are we on those items?

Alice T. Lorenz
Alice T. Lorenz
Miller Stratvert PA
PO Box 25687
Albuquerque, NM 87125

Alice T. Lorenz

From: Alice T. Lorenz
Sent: Wednesday, October 10, 2007 3:39 PM
To: 'Pestal, Mark (USACO)'
Subject: Perkins

Dear Mark,

I am still awaiting your response to my question about how you intend to fix the problem caused by the erroneous deposit into my clients regular account of money that was supposed to have been directly deposited into her Thrift Saving account. Ms. Perkins is understandably annoyed by what appear to be unconscionable delays and will instruct me to file a motion to enforce the settlement if we can't get this finalized very quickly. I would therefore much appreciate it if you would get back to me promptly with an answer to my question and a date certain by which the error will be corrected.

Sincerely,

Alice T. Lorenz
Alice T. Lorenz
Miller Stratvert PA
PO Box 25687
Albuquerque, NM 87125

EXHIBIT O

11/13/2007

Alice T. Lorenz

From: Chuck Perkins [capjr7@comcast.net]
Sent: Thursday, October 11, 2007 7:54 AM
To: Alice T. Lorenz
Subject: RE: Perkins

Alice,

He also has to have my sick leave of 32 hours reinstated. Seems to me he never took the action to get this done even after I did the legwork for him.

Barbara

Alice T. Lorenz

From: Pestal, Mark (USACO) [Mark.Pestal@usdoj.gov]
Sent: Saturday, November 03, 2007 2:26 PM
To: Alice T. Lorenz
Cc: Varma, Anita (OGC)
Subject: Perkins

Alice

I inquired of VA as to whether the award of TSP amounts could be placed into Ms. Perkins account and was informed that is not possible. Ms. Perkins may want to consult tax counsel about placing those amounts in some other retirement account. I apologize for taking so long to get an answer.

Mark Pestal

Assistant U.S. Attorney

Alice T. Lorenz

From: Alice T. Lorenz
Sent: Tuesday, November 06, 2007 12:11 PM
To: 'Pestal, Mark (USACO)'
Subject: RE: Perkins

Dear Mr. Pestal,

Placing the funds into her Thrift Savings account was one of the things the district court ordered you to do and was part of the deal when we settled so I need you to come up with a solution, not to just dump it back on Ms. Perkins. She is going to be very upset about this and I'm not a happy camper either. The government cannot just ignore a court order and commitments which it made. If you can't find a way to obey the order, or come up with a solution that is the functional equivalent thereto, I don't see that we will have any choice but to file a motion to enforce the settlement and request fees and sanctions for the VA's failure and refusal to have fulfilled its obligations. Please tell me it is not going to come to that.

Alice T. Lorenz

*Alice T. Lorenz
Miller Stratvert PA
PO Box 25687
Albuquerque, NM 87125*

From: Pestal, Mark (USACO) [mailto:Mark.Pestal@usdoj.gov]
Sent: Saturday, November 03, 2007 2:26 PM
To: Alice T. Lorenz
Cc: Varma, Anita (OGC)
Subject: Perkins

Alice

I inquired of VA as to whether the award of TSP amounts could be placed into Ms. Perkins account and was informed that is not possible. Ms. Perkins may want to consult tax counsel about placing those amounts in some other retirement account. I apologize for taking so long to get an answer.

Mark Pestal

Assistant U.S. Attorney

EXHIBIT R

11/13/2007